

1 John F. Hyland (SBN 178875)
2 *jhyland@rhdtlaw.com*
3 Jessica Riggin (SBN 281712)
4 *jriggin@rhdtlaw.com*
5 RUKIN HYLAND DORIA & TINDALL LLP
6 100 Pine Street, Suite 2150
7 San Francisco, California 94111
Telephone: (415) 421-1800
Facsimile: (415) 421-1700

6 Attorneys for Plaintiff
7 CHRISTOPHER WADSWORTH, M.D.

8 *Additional counsel identified on following pages*

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 CHRISTOPHER S. WADSWORTH, M.D.,
14 Plaintiff,
15 v.
16 JEFFREY BEARD; J. CLARK KELSO;
17 TIMOTHY BELAVICH; RACHEL CHEN;
18 COURTNEY CORRADO; EUREKA DAYE;
19 ANDREW DEEMS; ERIC MONTHEI; CHERA
VAN BURG; LAURA WHYTE; and DOES 1
through 50, inclusive,

20 Defendants.

21 Case No. 3:15-cv-02322-EMC

22 **JOINT CASE MANAGEMENT
CONFERENCE STATEMENT ; ORDER**

23 Date: March 17, 2016
24 Time: 9:30 a.m.
25 Place: Courtroom 5, 17th Floor
26 Judge: Honorable Edward M. Chen
27
28 Date Action Filed: 5/22/2015
First Amended Complaint Filed: 6/3/2015

1 Lyn Harlan (SBN 171471)
2 *lyn.harlan@doj.ca.gov*
3 OFFICE OF THE ATTORNEY GENERAL
4 1515 Clay St., Fl. 20
5 PO Box. 70550
6 Oakland, CA 94612
7 Telephone: (510) 622-2208
8 Facsimile: (510) 622-2270

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5 Counsel for Jeffrey Beard, Rachel Chen,
6 Courtney Corrado, Chera Van Burg, and Laura Whyte

7 Martin Dodd (SBN 104363)
8 *mdodd@fddcm.com*
9 FUTTERMAN DUPREE DODD CROLEY MAIER LLP
10 180 Sansome St., 17th Floor
11 San Francisco, CA 94104
12 Telephone: (415) 399-3841
13 Facsimile: (415) 399-3838

14 Counsel for J. Clark Kelso

15 David Tyra (SBN 116218)
16 *dtyra@kmtg.com*
17 Meredith Packer Garey (SBN 253701)
18 *mgarey@kmtg.com*
19 KRONICK MOSKOVITZ TIEDEMANN & GIRARD
20 400 Capitol Mall, 27th Floor
21 Sacramento, CA 95814
22 Telephone: (916) 321-4500
23 Facsimile: (916)-321-4555

24 Counsel for Eureka Daye and Timothy Belavich

25 Carolee Kilduff (SBN 107232)
26 *ckilduff@akk-law.com*
27 Kevin Dehoff (SBN 252106)
28 *kdehoff@akk-law.com*
ANGELO, KILDAY & KILDUFF, LLP
601 University Ave, Ste. 150
Sacramento, CA 95825
Telephone: (916) 564-6100
Facsimile: (916) 564-6263

Counsel for Eric Monthei

1 Sue Ann Van Dermyden (SBN 166158)
2 *sav@valawcorp.com*
3 Janine Braxton (SBN 196321)
jb@vmlawcorp.com
4 VAN DERMYDEN MADDUX
2520 Venture Oaks Way, Ste. 140
Sacramento, CA 95833
Telephone: (916) 779-2402
5 Facsimile: (916) 779-1451

6 Counsel for Andrew Deems

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JOINT CASE MANAGEMENT CONFERENCE STATEMENT

On December 23, 2015, Plaintiff Christopher Wadsworth, and Defendants Jeffrey Beard, Timothy Belavich, Rachel Chen, Courtney Corrado, Eureka Daye, Andrew Deems, Eric Monthei, Chera Van Burg, Laura Whyte, and J. Clark Kelso (collectively, the “Parties”), through their respective counsel, filed a Stipulation to Stay proceedings in the above-captioned federal litigation due to two related proceedings currently pending before the California State Personnel Board: (1) *In the Matter of Alleged Retaliation by Timothy Belavich, Eureka Daye, Andrew Deems, and Eric Monthei*, a whistleblower case (Case No. 15-365WE); and (2) *Christopher Wadsworth v. California Department of Corrections and Rehabilitation, et al.*, an evidentiary hearing on a Request to File Charges (Case No. 15-355N). Plaintiff Wadsworth intends to assert claims in this federal litigation for which he must exhaust his administrative remedies, including some claims that first require the State Personnel Board to issue, or fail to issue findings, such that the Parties agreed that it would maximize judicial efficiency to stay this case pending resolution of the State Personnel Board proceedings.

On December 23, 2015, the Court granted the Parties' Stipulation and removed all currently scheduled dates and deadlines from the calendar. The Court also reset the Case Management Conference previously scheduled for January 28, 2016 for March 17, 2016 and ordered the Parties to file a Case Management Conference Statement by March 10, 2016 "to confirm that the state board proceedings are moving forward and/or when parties expect a decision to be rendered."

The Motion to Consolidate the whistleblower and RFC actions was denied. There is a pretrial conference scheduled for April 7, 2016 in the whistleblower case (Case No. 15-365WE), and the parties expect the evidentiary hearing in that matter to be completed no later than the end of 2016. There has not been a date scheduled to hear the RTFC matter.

For the same reasons contained in the Parties' Stipulation to Stay, the Parties jointly agree that the Court should continue to stay this case until the State Personnel Board issues its final decision pursuant to Government Code 19582 in *In the Matter of Alleged Retaliation by Timothy Belavich, Eureka Daye, Andrew Deems, and Eric Monthei* (Case No. 15-0365WE). The Parties

will file a status report within fifteen (15) days of the date on which the State Personnel Board issues its final decision pursuant to Government Code 19582 in Case No. 15-0365WE. The status report shall (a) apprise the Court of the outcome of the proceeding; and (b) propose dates for the filing of Plaintiff Wadsworth's Second Amended Complaint in this Case, for the filing of Defendants' responsive pleadings, and for the Case Management Conference; or advise whether the Parties believe the stay should continue until the conclusion of the RTFC matter.

RUKIN HYLAND DORIA & TINDALL LLP

Dated: March 10, 2016

By: /s/ John F. Hyland

John F. Hyland
Jessica Riggan

Counsel for Plaintiff Chris Wadsworth

Dated: March 10, 2016

OFFICE OF THE ATTORNEY GENERAL

By: /s/ Lyn Harlan

Lyn Harlan

Counsel for Jeffrey Beard, Rachel Chen, Courtney Corrado, Chera Van Burg, and Laura Whyte

Dated: March 10, 2016

**FUTTERMAN DUPREE DODD CROLEY MAIER
LLP**

Martin Dodd

Counsel for J. Clark Kelso

Dated: March 10, 2016

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

By: /s/ David Tyra

David Tyra
Meredith Packer Garey

1 Counsel for Eureka Daye and Timothy Belavich
2

3 Dated: March 10, 2016

4 ANGELO, KILDAY & KILDUFF, LLP

5 By: /s/ Kevin Dehoff

6 Carolee Kilduff
7 Kevin Dehoff

8 Counsel for Eric Monthei

9

10 Dated: March 10, 2016

11 VAN DERMYDEN MADDUX

12 By: /s/ Sue Ann Van Dermyden

13 Sue Ann Van Dermyden
14 Janine Braxton

15 Counsel for Andrew Deems

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17 **LOCAL RULE 5-1 ATTESTATION**

18 I, John F. Hyland, am the ECF user whose ID and password are being used to file this
19 Substitution of Counsel form. In compliance with Local Rule 5-1(i)(3), I hereby attest that: Lyn
20 Harlan, Martin Dodd, David Tyra, Kevin Dehoff, and Sue Ann Van Dermyden have concurred in
21 the filing of this document with their electronic signatures.

22

23 Dated: March 10, 2016

24 RUKIN HYLAND DORIA & TINDALL LLP

25 By: /s/ John F. Hyland

26 John F. Hyland

27 Counsel for Plaintiff Chris Wadsworth

28 Edward M. Chen
U.S. District Judge

